

REMARKS/ARGUMENTS

Claims 1-16 are active.

Claim 1 is amended to define that the enzyme which regenerates the cofactor is glucose dehydrogenase as described on page 7 and the Examples of the originally filed specification.

Claims 3 and 5 are amended to remove the preferred embodiments, which are presented in new dependent claims.

Claims 10-16 find support in original claims 1-6.

No new matter is added.

The rejection applied under 35 USC 112, second paragraph is no longer applicable.

Applicants note the Examiner's comment pertaining to the Oath/Declaration on page 3 of the Official Action. However, Applicants have already filed a petition to accept the Oath/Declaration notwithstanding the missing signature and the USPTO has granted the petition and accepted the Declaration as so demonstrated in the attached copy of the USPTO decision from December 2007.

The rejection applied under 35 USC 103(a) over Galkin, Hong, Smith and Neuhauser is not sustainable.

Galkin teaches a whole cell catalyst in a batch method to produce L-amino acids from ketocarboxylic acids in the presence of ammonium and does not explicitly state that a cofactor is added (see pp. 4652, col. 2, "Production of L and D amino acids"). The rejection finds that Galkin does not teach a fed-batch process but as performing such a batch-fed process was known from the secondary citations, the claimed process would have been obvious (see pages 8-9 of the Action).

However, neither Galkin nor any of the other references cited in the rejection describe or suggesting employing a cloned glucose dehydrogenase (see amended claim 1). As demonstrated in the Examples, the use of a glucose dehydrogenase lead to a 97% conversion with a high enantioselectivity resulting from an amount of substrate of 0.9 M (see pp. 32, last paragraph of the specification). In contrast, Galkin teaches 0.3M achieved product. As so stated in the present specification, e.g., on page 5, that the Inventors achieved such a high conversion efficacy that can now be advantageously employed on an industrial scale was surprising and certainly not reasonably predictable from the combined teachings of the cited art.

In view of the above, Applicants request withdrawal of this ground of rejection.

The provisional rejection citing co-pending application 12/205,371 and the rejection citing 7,217,544, each in view of Hong, are not sustainable as neither set of claims describes the inclusion of glucose dehydrogenase in the process. For the reasons stated above in regard to the 103 rejection, the inclusion of the glucose dehydrogenase yielded surprisingly improved results.

Withdrawal of both rejection is requested.


A Notice of Allowance is also requested.

Respectfully submitted,

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